COUNTY OF ERIE

LOCAL LAW NO. ___-199_

LOCAL LAW INTRO. NO. 5 - 1997

Print #2

A LOCAL LAW in relation to self-service sale of tobacco products.

The Erie County Legislature does enact as follows:

Section 1. Legislative finding. Cigarette smoking has been proven to be harmful to the public health. It is further found that the great majority of all smokers begin smoking by their teenage years, and that the most frequent ages for beginning smoking are under the age of eighteen.

§2. Purpose. It is the purpose of this local law to aid enforcement of laws prohibiting the sale of tobacco to minors, and to reduce minors' access to tobacco by requiring tobacco sales to be made by personal transactions.

§3. Definitions. For the purposes of this local law, the following terms shall have the following meanings:

a. "Person" shall mean any individual, partnership, corporation, association, or any combination of individuals and corporations, by whatever means organized;

b. "Retailer" shall mean any person who operates a store, shop, booth, stand, concession, or any other place where tobacco is sold to purchasers for consumption or use;

c. "Tobacco" means any cigarette, cigar, pipe tobacco, loose tobacco, chewing tobacco, smokeless tobacco, snuff, or any other form of tobacco which may be smoked, inhaled, chewed, or in any other manner ingested.

§4. Self service sales prohibited. No retailer shall display or store tobacco in any manner which permits direct customer access or customer self service, whether by shelf display, counter display, kiosk, vending machine, or other means of open display of tobacco. This provision shall not apply to the sale of tobacco products in vending machines located in a bar as defined in subdivision

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two of section 1399-n of the public health law; in the bar area of a food service establishment with a valid on-premises full liquor license; or in a tobacco business as defined in subdivision thirteen of section 1399-n of the public health law.

§5. Penalties and enforcement. A violation of section four of this local law shall be a violation punishable by a fine not to exceed five hundred dollars. Every [peace] police officer, deputy sheriff, and person designated by the Erie county commissioner of health, within the county of Erie, is authorized to issue to any person found in violation of this local law, [a] an appearance ticket to appear before a [justice of any municipal court located within the county] hearing officer designated by the Erie county commissioner of health. The Erie county commissioner of health is authorized to enforce this local law by administrative proceedings held in accordance with the provisions of section five of article one of the Erie county sanitary code.

§6. Repeals. Erie county local law number two of nineteen hundred ninety, entitled "A LOCAL LAW in regard to the location of cigarette vending machines in Erie county", is hereby REPEALED. Erie county local law number one of nineteen hundred ninety-three, entitled "A LOCAL LAW in regard to the prohibition of cigarette sales through vending machines", is hereby REPEALED.

§7. This local law shall be effective on the first day of the third month following its adoption.

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